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9 CARSON CITY, JASON BUENO, SEAN PALAMAR, TYSON LEAGUE,
10 JASON WOODBURY, and KENNETH FURLONG

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12
13 UNITED STATES DISTRICT COURT
14
15 DISTRICT OF NEVADA

16 DREW J. RIBAR,

17 Plaintiff,

18 vs.

19 STATE OF NEVADA EX. REL. NEVADA
20 DEPARTMENT OF CORRECTIONS,
21 CARSON CITY AND ITS SHERIFFS
22 OFFICE, CARSON CITY DISTRICT
23 ATTORNEYS OFFICE, CARSON CITY
24 MANAGERS OFFICE, FERNANDEIS
25 FRAZAIER IN HIS OFFICIAL CAPACITY
26 AS WARDEN OF NORTHERN NEVADA
27 CORRECTIONAL, AARON RYDER IN HIS
28 OFFICIAL CAPACITY AS AN OFFICER OF
NEVADA DEPARTMENT OF
CORRECTIONS, ROBERT SMITH IN HIS
OFFICIAL CAPACITY AS AN OFFICER OF
NEVADA DEPARTMENT OF
CORRECTIONS, JASON BUENO IN HIS
OFFICIAL CAPACITY AS AN OFFICER OF
CARSON CITY SHERIFF, SEAN
PALAMAR RYDER IN HIS OFFICIAL
CAPACITY AS AN OFFICER OF CARSON
CITY SHERIFF, TYSON DARIN LEAGUE
RYDER IN HIS OFFICIAL CAPACITY AS
AN OFFICER OF CARSON CITY DISTRICT
ATTORNEY, JAMES DZURENDA
(DIRECTOR NEVADA DEPARTMENT OF
CORRECTIONS), JASON D. WOODBURY
(CARSON CITY DISTRICT ATTORNEY),
KENNETH T. FURLONG IN HIS
CAPACITY AS SHERIFF CARSON CITY,
NV, OFFICER/DEPUTY/J. DOE 1-99,

Defendants.

Case No. 3:24-cv-00103-ART-CLB

CARSON CITY DEFENDANTS'
RESPONSE TO ORDER TO SHOW
CAUSE WHY REMOVAL WAS PROPER
[ECF 38]

1 COME NOW Defendants CARSON CITY, JASON BUENO, SEAN PALAMAR,
2 TYSON LEAGUE, JASON WOODBURY, and KENNETH FURLONG, by and through their
3 attorneys Thorndal Armstrong, PC, and pursuant to the Court's order dated November 22, 2024,
4 hereby respond to the Order to Show Cause related to removal of this action based on federal
5 question jurisdiction.

6 As noted by the Court in its Order to Show Cause, the Carson City Defendants removed
7 this case from the First Judicial District Court on February 29, 2024, based on the existence of
8 federal question jurisdiction pursuant to 28 U.S.C. §1441(a). The Carson City Defendants filed
9 their Notice of Removal in the First Judicial District Court on the same day. *See*, Exhibit 1,
10 Notice of Removal. Pursuant to 28 U.S.C. §1446(b)(2)(A), when a civil action is removed based
11 upon the existence of federal question jurisdiction, all defendants who have been properly joined
12 and served must consent to the removal of the action. Here, the Carson City Defendants were
13 not aware of service of process having been made on the State of Nevada. or any of its officers,
14 at the time they filed their Petition for Removal. Although the Court references an affidavit of
15 the Plaintiff pertaining to service on the State defendants with a service date of February 13,
16 2024, Plaintiff did not file any affidavits of service (or serve any such documents) relating to the
17 State defendants until July 25, 2024, after the Court Clerk issued notice to the Plaintiff regarding
18 its intent to dismiss unserved defendants (including all of the State defendants) pursuant to FRCP
19 4(m) on June 26, 2024. *See*, ECF 15.

20 Further, 28 U.S.C. §1446(d) requires the removing party to give written notice of
21 removal to all “adverse parties.” Here, the Carson City Defendants served written notice of the
22 removal of this case on Plaintiff on February 29, 2024. *See*, ECF 1, p. 4; *see also*, Exhibit 1,
23 Notice of Removal, p. 3.

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As this Court has original jurisdiction over this case, and as the Carson City Defendants followed the procedure set forth in 28 U.S.C. §1446 related to notice of removal to the adverse party, removal was proper under the circumstances.

DATED this 2nd day of December, 2024.

THORNDAL ARMSTRONG, PC

By: /s/ Katherine Parks
KATHERINE F. PARKS, ESQ.
Nevada Bar No. 6227
6590 S. McCarran Blvd., Suite B
Reno, Nevada 89509
Attorney for Defendants
CARSON CITY, JASON BUENO, SEAN
PALAMAR, TYSON LEAGUE, JASON
WOODBURY, and KENNETH FURLONG

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of Thorndal Armstrong, PC, and that on this date I caused the foregoing CARSON CITY DEFENDANTS' RESPONSE TO ORDER TO SHOW CAUSE WHY REMOVAL WAS PROPER [ECF 38] to be served on all parties to this action by:

X placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada.

United States District Court CM/ECF Electronic Filing Process

hand delivery

electronic means (fax, electronic mail, etc.)

Federal Express/UPS or other overnight delivery

fully addressed as follows:

fully addressed as follows:

Drew J. Ribar
3480 Pershing Ln
Washoe Valley, NV 89704
Pro Se Plaintiff

DATED this 2nd day of December, 2024.

/s/ Laura Bautista
An employee of Thorndal Armstrong, PC

INDEX OF EXHIBITS

Exhibit No.	Description
1	Notice of Removal